

**ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS  
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE  
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS  
MAJOR CITIES CHIEFS ASSOCIATION  
MAJOR COUNTY SHERIFFS' ASSOCIATION  
NATIONAL ASSOCIATION OF COUNTIES  
NATIONAL LEAGUE OF CITIES  
NATIONAL SHERIFFS' ASSOCIATION**

December 3, 2004

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE:       *Ex Parte* Communication in CS Docket Nos. 98-120, and MB Docket No. 03-15

Dear Mr. Chairman:

We understand that the Commission is considering a change to its cable carriage rules that would have the effect of establishing a firm completion date for the digital television (DTV) transition. We strongly support such a rule change to the extent that it would establish an early and firm date for nationwide availability of spectrum for public safety radio communications.

In 1998, the Commission reallocated 764-776/794-806 MHz (TV channels 63, 64, 68, and 69) for public safety communications, as mandated by the Balanced Budget of Act of 1997. However, that spectrum is blocked in most major metropolitan areas by analog (and, in a few cases, temporary digital) television stations, pending the completion of the DTV transition. Current law allows analog stations to remain on the air until 85% of households have access to digital transmissions.

The absence of a firm date for the end of the DTV transition makes it impossible for most state and local governments to plan, fund or begin construction of new or expanded radio systems using the new spectrum. The need for this additional public safety spectrum was established over eight years ago by the Public Safety Wireless Advisory Committee (PSWAC). Among the PSWAC recommendations was that approximately 25 MHz from the spectrum used for TV stations 60-69 be made available for public safety use within *five years*. In a cruel irony, the date of the final PSWAC report was September 11, 1996, *exactly five years before 9/11*. Yet, the spectrum identified by the PSWAC Report was not available nationwide in 2001, and is still not available in most of the nation, especially in metropolitan areas where the need is the greatest. Moreover, public safety spectrum requirements today are even greater than

anticipated in 1996, due to the demand for new communications tools and expanded post-9/11 homeland security requirements.

Public safety agencies need this spectrum now to alleviate dangerous congestion on existing systems and to facilitate deployment of new communications tools, such as transmitting high-speed data and images. The 700 MHz band public safety spectrum will be especially effective in providing interoperability to first responders in the field. The band provides capacity for new and expanded multi-agency, multi-jurisdictional trunked radio systems, which are inherently interoperable. Such systems will also be interoperable with adjacent 800 MHz band public safety operations. Finally, the FCC has established rules to ensure that all 700 MHz band public safety radios will operate on a common standard on specified nationwide interoperability channels.

The need for this additional public safety spectrum is clear. Therefore, the Commission should take every step possible to establish an early and firm date by which this spectrum will be available for use by public safety agencies across the nation.

Respectfully submitted,

Gregory Ballentine, President  
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Officials-International

Chief Joseph Estey, President  
International Association of Chiefs of Police

Chief Robert A. DiPoli, President  
International Association of Fire Chiefs

Chief Harold Hurt, President  
Major Cities Chiefs Association

Sheriff Margo Frasier, President  
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Commissioner Angelo Kyle, President  
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